

STAFF REPORT
June 25, 2009

No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard

ITEM 33

GENERAL INFORMATION:

APPLICANT	Sandra Fredrickson
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Sandra Fredrickson
REQUEST	No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard
EXISTING LEGAL DESCRIPTION	Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.63 acres
LOCATION	4330 Jackson Boulevard
EXISTING ZONING	Low Density Residential District

STAFF REPORT
June 25, 2009

No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard

ITEM 33

SURROUNDING ZONING

North:	Low Density Residential District
South:	Flood Hazard District
East:	Low Density Residential District
West:	Low Density Residential District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 5/29/2009

REVIEWED BY Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement: to dedicate additional right-of-way along Red Cliff Terrace be denied without prejudice;

That the Variance to the Subdivision Regulations to reduce the Utility and Minor Drainage Easement from 8 feet to 5 feet along the westerly lot line of proposed Lot 1 be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace be approved with the following stipulations:

1. A sidewalk shall be provided along one side of Red Cliff Terrace;
2. Prior to Planning Commission approval, drainage information shall submitted for review and approval to address street drainage along Red Cliff Terrace to insure that curb and gutter is not needed;
3. Prior to Planning Commission approval, an Exception shall be obtained to allow a service line to cross another lot; and,

That the Variance to the Subdivision Regulations to reduce the pavement width from 20 feet to 15 feet be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 20 feet to 15 feet, to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer along

STAFF REPORT
June 25, 2009

No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard

ITEM 33

Red Cliff Terrace, to allow a five foot wide Minor Drainage and Utility Easement along the westerly lot line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard. In addition, the applicant has submitted a Layout and Preliminary Plat (File #09PL025) to subdivide the property into two lots.

On December 4, 2006, a Layout Plat (File #06PL179) was approved by the City Council to subdivide the property into two lots. The Layout Plat has since expired. As such, the applicant has submitted this Layout and Preliminary Plat application to subdivide the property as previously proposed.

The property is located approximately 600 feet west of the intersection of Jackson Boulevard and Canyon Lake Drive on the north side of Jackson Boulevard. Currently, a single family residence and a shed are located on proposed Lot G1. In addition, a shed is located on proposed Lot G2.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Red Cliff Terrace: Red Cliff Terrace is located along the east lot line of the subject property and is classified as a lane place street requiring that the street be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently the street is located in a varying easement with a width varying from 52 feet to 33 feet, requiring that an additional 6 foot of easement width be provided from this property. The applicant has subsequently submitted a revised Layout and Preliminary Plat identifying the dedication of a 6 foot wide access easement along the east lot line of the property. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the width of the easement be denied without prejudice as the Variance is not required.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Red Cliff Terrace. The applicant has indicated that based on the existing design of Red Cliff Terrace, curb and gutter is not needed. However, to date, the applicant has not submitted drainage information demonstrating that curb and gutter is not needed to accommodate drainage flows. If the drainage information is submitted as identified prior to Planning Commission approval, staff will support the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter along the street as it abuts the property.

STAFF REPORT
June 25, 2009

No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly lot line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard.

ITEM 33

The applicant has also requested a Variance to the Subdivision Regulations to waive the requirement to provide sidewalks along Red Cliff Terrace. However, the Planning Commission and the City Council have consistently required sidewalks along streets as a part of the review and approval of a plat even when sidewalks currently don't exist along the street. The goal has been to secure a safe pedestrian walkway, even if secured in a piecemeal design, and to secure a safe place for children to play outside of the street. Providing a sidewalk on one side of the street as it abuts the property would provide a pedestrian walkway and a safe place for children to play along the street. In addition, the sidewalk will provide a pedestrian connection to the existing sidewalk along Jackson Boulevard. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Red Cliff Terrace be approved with the stipulation that the applicant provide a sidewalk along one side of the street.

The applicant has also requested a Variance to the Subdivision Regulations to reduce the pavement width of Red Cliff Terrace from 20 feet to 15 feet. However, the Fire Department has indicated that a minimum 20 foot pavement width is needed to insure adequate and safe fire apparatus access. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width be denied.

Sewer and Water: City sewer and water currently exists along Jackson Boulevard. A sewer service line has been extended from Jackson Boulevard to serve the existing residence on the property. In addition, the same service line has been extended through the property to provide sewer service to the lot located directly north of the site. The applicant has submitted construction plans showing the abandonment of the existing sewer service line(s) extending through the site. In addition, the construction plans show the extension of City water and sewer mains from Jackson Boulevard north along the common lot line of the two proposed lots to provide water and sewer service to the two proposed lots and sewer service to the lot located north of the property. As a result of the of the proposed utility configuration, the service lines will cross one lot to serve another lot, which is not in compliance with the City's Utility Design Standards. As such, the applicant has submitted an Exception request to allow a service line to cross another lot. To date, the Exception has not been approved pending the recording of a waiver of right to protest any future assessment(s) for the improvement.

Since the proposed extension of water and sewer mains along the common lot line will provide utility service to the proposed lots and since the balance of the properties along Red Cliff Terrace currently are served from the sewer and water mains located in Jackson Boulevard, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to extend sewer and water mains along Red Cliff Terrace be approved

STAFF REPORT
June 25, 2009

No. 09SV013 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly lot line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard.

ITEM 33

contingent upon the Exception being obtained to allow a service line to cross another lot prior to Planning Commission approval.

Minor Drainage and Utility Easements: The existing residence is located approximately 5 feet from the west lot line of the property. As such, the applicant has submitted a Variance to the Subdivision Regulations to reduce the width of the minor drainage and utility easement from 8 feet to 5 feet along the west lot line in the area of the existing residence. However, the Subdivision Regulations allows the City Engineer to review and approve the request. The City Engineer has subsequently indicated concurrence with the request since it is only for the footprint of the existing residence and since no utilities or drainage improvements are located within this area. Staff recommends that the Variance to the Subdivision Regulations to reduce the minor drainage and utility easement as proposed be denied without prejudice as the Variance is not required.

Planting Screen Easement: The Subdivision Regulations requires that a 10 foot wide planting screen easement be dedicated along Jackson Boulevard since it is an arterial street. The applicant has subsequently revised the plat document to dedicate the easement as required. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a 10 foot wide planting screen easement along Jackson Boulevard be denied without prejudice as the Variance is not required.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at June 25, 2009 Planning Commission meeting if this requirement is not met.